IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No. 4195 of 1997
with
SPECIAL CIVIL APPLICATION No 7728 of 1997

For Approval and Signature:

HON'BLE MR JUSTICE KS JHAVERI

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1 Whether Reporters of Local Papers may be allowed to see the judgment ?

2 To be referred to the Reporter or not ?

3 Whether their Lordships wish to see the fair copy of the judgment ?

4 Whether this case involves a substantial question of law as to the interpretation of the constitution of India, 1950 or any order made thereunder ?

5 Whether it is to be circulated to the civil judge ?

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RAMJIBHAI SHANKARBHAI PRAJAPATI - Petitioner(s)

Versus

GUJARAT STATE ROAD TRANSPORT CORPORATION - Respondent(s)

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Appearance :[S.C.A. No. 4195 of 1997 & 7728 of 1997]

MR RV DESAI for Petitioner No(s).: 1.

MR MURALI DEVNANI for MR YOGESH S LAKHANI for Respondent No(s).: 1.

MR MURALI DEVNANI for MR YOGESH LAKHANI for Petitioner No(s).: 1.
MR MUKESH RATHOD for MR YOGESH S LAKHANI for Respondent No(s).: 1.

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CORAM :HON'BLE MR JUSTICE KS JHAVERI

Date : 30/06/2005

ORAL JUDGMENT

1. In these cross petitions the petitioner workman in

Special Civil Application No. 4195 of 1997 has challenged the award dated 16th February, 1996 passed by the Labour Court in Reference [L.C.A.] No. 1987 of 1993, whereby the petitioner was denied full back wages; and in Special Civil Application No. 7728 of 1997, the petitioner Corporation has challenged the said award as regards granting reinstatement with continuity in service and back wages for the intervening period and imposed as penalty of stoppage of two increments with future effect.

2. The brief facts of the case are that the petitioner workman was employed as conductor in the respondent Corporation herein. On 16th October, 1991, while the petitioner workman was on duty, a raid was undertaken by the officers of the respondent Corporation. The officers of the respondent Corporation found certain irregularities in the issuance of tickets and the collection of the fares from the passengers. Therefore, charge sheet was issued and departmental inquiry was held against the petitioner workman. Since, the charges against the petitioner workman were proved, he was dismissed from the service w.e.f. 10th June, 1990.

2.1. Being aggrieved by the order of dismissal, the petitioner workman raised an industrial dispute which was ultimately referred the the Labour Court, Ahmedabad for adjudication. The Labour Court after appreciating the materials placed before it, allowed the Reference with the aforesaid directions. Hence, this petition.

3. I have heard the learned counsel for the parties and have perused the documents placed on record. The petitioner workman had committed misappropriation in the fares collected from the passengers and also in the issuance of the tickets on earlier occasions. Moreover, he had committed certain irregularities of the same nature in the past also. Thus, Keeping in mind the past conduct of the petitioner workman, the Labour Court has denied him back wages and also imposed a penalty of stoppage of two increments with future effect. I am in complete agreement with the reasonings given by the Labour Court in its impugned award and find no reason to interfere in this petition.

4. In above view of the matter, the order dated 16th February, 1996 passed by the Labour Court in Reference [L.C.A.] No. 1987 of 1993, is confirmed. Rule is made absolute to the aforesaid extent with no order as to costs.

[K.S. JHAVERI, J.]

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